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**CAUSE NO. 219-01375-2021****JUDY D. BROWN,****Plaintiff,****v.****ALIXA-RX, LORRAINE DYER,  
and KELLY SIMPSON,****Defendants.**§  
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§**IN THE DISTRICT COURT****COLLIN COUNTY, TEXAS****219TH JUDICIAL DISTRICT****DEFENDANTS' NOTICE OF FILING NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Alixa Rx LLC (incorrectly named as Alixa-RX), Lorraine Dyer, and Kelly Simpson (collectively, "Defendants") provide notice that a Notice of Removal of this action to the United States District Court for the Eastern District of Texas, Sherman Division, was duly filed in the Office of the Clerk of the United States District Court for the Eastern District of Texas, Sherman Division, on April 8, 2021. A true and accurate copy of the Notice of Removal is attached hereto as Exhibit "A."

Respectfully submitted,

By: /s/ Kristin Snyder Higgins

KRISTIN SNYDER HIGGINS

Texas State Bar No. 24046880

[kristin.higgins@ogletree.com](mailto:kristin.higgins@ogletree.com)

JAMIE ASHTON

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[jamie.ashton@ogletree.com](mailto:jamie.ashton@ogletree.com)**OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**

8117 Preston Road, Suite 500

Dallas, Texas 75225

(214) 987-3800 (Phone)

(214) 987-3927 (Fax)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that on April 9, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the electronic system of filing, which will transmit a Notice of Electronic Filing to all counsel of record.

/s/ Kristin Snyder Higgins  
KRISTIN SNYDER HIGGINS

46660434.1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**JUDY D. BROWN,**

**Plaintiff,**

**v.**

**ALIXA-RX, LORRAINE DYER,  
and KELLY SIMPSON,**

**Defendants.**

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**CIVIL ACTION NO. 4:21-cv-284**

**DEFENDANTS' NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441(a) – (c), and 1446, Defendants Alixa Rx LLC (incorrectly named as Alixa-RX), Lorraine Dyer, and Kelly Simpson (collectively, “Defendants”) remove to this Court the action brought by *pro se* Plaintiff Judy D. Brown (“Plaintiff”). In support, Defendants state as follows:

**I. BACKGROUND**

1. On or about March 22, 2021, Plaintiff filed her Civil Complaint (“Complaint”) against Defendants in the 219th Judicial District Court of Collin County, Texas, Cause No. 219-01375-2021 (the “Lawsuit”).

2. Defendants’ registered agents were first served with citation on March 23, 2021. This Notice of Removal, together with all process, pleadings, and orders served on Defendants, or otherwise on file in the Lawsuit, are being filed in this Court within 30 days after the initial service of citation on Defendants. The removal is therefore timely under 28 U.S.C. § 1446(b).

3. A copy of this Notice of Removal is also being filed with the Clerk of the State Court in which the action was filed.

# Exhibit A

## **II. GROUNDS FOR REMOVAL**

1. The Court has original jurisdiction of this civil action under 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441, as Plaintiff brings claims under the laws of the United States. Specifically, in her Complaint, Plaintiff alleges a variety of claims against Defendants including violations of the Equal Pay Act of 1963 (29 U.S.C. § 206(d)). *See Plf.'s Compl.* p. 11. Plaintiff also alleges that she seeks punitive damages “in the amount of \$75,000 for which \$30,000 for violating Federal law....” *Id.* at p. 17.

2. Based upon the federal question raised by Plaintiff, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and removal is proper pursuant to 28 U.S.C. §§ 1441(a)-(c).

## **III. INFORMATION REQUIRED BY LOCAL RULE 81**

Defendants provide the below information Pursuant to Local Rule CV-81.

- (1) List of all parties in the case, their party type, and current status of the removed case:

Plaintiff: Judy D. Brown

Defendant: Alixa Rx, LLC

Defendant: Lorraine Dyer

Defendant: Kelly Simpson

The removed case is pending.

- (2) Civil cover sheet and certified copy of the state court docket sheet; a copy of all pleadings from state court. See Exhibit A.
- (3) List of attorneys involved:

Counsel for Plaintiff: Judy D. Brown, *Plaintiff pro se*  
[jd.brown2017@yahoo.com](mailto:jd.brown2017@yahoo.com)  
770 Fairway Drive, #1313  
Coppell, Texas 75019  
(682) 701-9471

Counsel for Defendants: Kristin Snyder Higgins  
Texas State Bar No. 24046880  
[kristin.higgins@ogletree.com](mailto:kristin.higgins@ogletree.com)  
Jamie Ashton  
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STEWART, P.C.  
8117 Preston Road, Suite 500  
Dallas, Texas 75225  
(214) 987-3800  
(214) 987-3927 (Fax)

- (4) Record of which parties requested a jury:

Plaintiff made a jury demand in her state court Complaint.

- (5) Name and address of the court from which the case was removed:

219th Judicial District Court, Collin County  
Russell A. Steindam Courts Bldg.  
2100 Bloomdale Road, Suite 20132  
McKinney, TX 75071

#### IV. CONCLUSION

Removal of this action is proper under 28 U.S.C. § 1441(a)-(c) since it is a civil action brought in a state court. The federal district courts have original jurisdiction under 28 U.S.C. § 1331 because Plaintiff's suit involves questions of federal law. The court may exercise supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

**WHEREFORE**, Defendant gives notice that the action *Judy D. Brown v. Alixa-RX, Lorraine Dyer, and Kelly Simpson*, Cause No. 219-01375.2021, pending in the 219th Judicial District Court of Collin County, Texas, is removed to this Court.

Respectfully submitted,

By: /s/ Kristin Snyder Higgins  
KRISTIN SNYDER HIGGINS  
Texas State Bar No. 24046880  
kristin.higgins@ogletree.com  
JAMIE ASHTON  
Texas State Bar No. 24087211  
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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that on April 8, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the electronic system of filing, which will transmit a Notice of Electronic Filing to all counsel of record.

/s/ Kristin Snyder Higgins  
KRISTIN SNYDER HIGGINS

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**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kristin Higgins on behalf of Kristin Higgins  
 Bar No. 24046880  
 kristin.higgins@ogletree.com  
 Envelope ID: 52300000  
 Status as of 4/9/2021 10:56 AM CST

**Case Contacts**

| <b>Name</b>           | <b>BarNumber</b> | <b>Email</b>                        | <b>TimestampSubmitted</b> | <b>Status</b> |
|-----------------------|------------------|-------------------------------------|---------------------------|---------------|
| Kristin SnyderHiggins |                  | kristin.higgins@ogletreedeakins.com | 4/9/2021 10:23:20 AM      | SENT          |
| Jamie BrodAshton      |                  | jamie.ashton@ogletreedeakins.com    | 4/9/2021 10:23:20 AM      | SENT          |
| Barbara Denny         |                  | barbara.denny@ogletreedeakins.com   | 4/9/2021 10:23:20 AM      | SENT          |
| BeLinda Redwine       |                  | belinda.redwine@ogletreedeakins.com | 4/9/2021 10:23:20 AM      | SENT          |
| Dallas Docketing      |                  | DALDocketing@ogletreedeakins.com    | 4/9/2021 10:23:20 AM      | SENT          |
| Judy D.Brown          |                  | jd.brown2017@yahoo.com              | 4/9/2021 10:23:20 AM      | SENT          |